

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW JERSEY

Dawn Lewis
5249 Homestead Ave
Pennsauken NJ 08109

EEOC
COMPLAINT

PLAINTIFF(S)

CIVIL NO. 13cv615

-VS-

Wills Eye Surgery Center
408 Route 70 East
Cherry Hill, NJ 08034
DEFENDANT (S)

RECEIVED

JAN 31 2013

AT 8:30 _____ M
WILLIAM T. WALSH
CLERK

1. This action is brought pursuant to Title VII of the Civil Rights Act of 1964, as amended, for employment discrimination. Jurisdiction is specifically conferred on this Court by 42 U.S.C. Section 2000e-5. Equitable and other relief are also sought under 42 U.S.C. 2000e-5(g).

2. Plaintiff(s) resides at 5249 Homestead Ave
Street Address
Pennsauken, Camden, N.J.
City County State
856488-5567
Phone Number

3. Defendant (s) lives at , or its business is located at 408 Route 70 East
(Street Address)
Cherry Hill, N.J., (856) 354-0267
(County) (State) (Phone Number)

4. Please state the address at which you sought employment

Cherry Hill, Camden, N.J.
City County State

5. State as nearly as possible when the discriminatory acts occurred:

13th, January, 2010
Day Month Year

5a. If practice is continuing check the appropriate box:

_____ YES _____ NO

6. State as nearly as possible when you filed charges with the N.J. Division of Civil

Rights regarding defendant's alleged discriminatory conduct: 18th, oct,
Day Month
2010.
Year

7. State as nearly as possible when you filed charges with the N.J. Division on Civil

Rights regarding defendants alleged discriminatory conduct: _____, _____,
Day Month
_____.
Year

8. The Equal Employment Opportunity Commission issued the attached

Notice-Of-Right-To-Sue letter which as received by you on

NOV, 03, 2012.

(Note: Please attach Notice-of-Right-to Sue letter to this Complaint)

9. The acts complained by you, in this suit, concern:

A. ☐ Failure to employ you.

B. ☒ Termination of you employment.

C. ☐ Failure to promote you.

D. ☐ Other acts (please specify) _____

10. Defendant's conduct is discriminatory with respect to which of the following:

A. ☒ Your Race

B. ☐ Your Color

C. ☐ Your Sex

D. ☐ Your Religion

E. ☐ Your National Origin

11. A copy of the charge to the Equal Employment Opportunity Commission is attached to this complaint and is submitted as a brief statement of the facts of your claim.

12. If relief is not granted, plaintiff will be irreparably denied rights secured by the Title VII of the Civil Rights Act of 1964, as amended.

13. Plaintiff (s) has no adequate remedy at law to redress the wrongs described above.

WHEREFORE, Plaintiff (s) prays (check appropriate letter (s) as follows):

A. _____ That all fees, costs or security attendant to this litigation be
hereby waived pursuant to affidavit of indigency submitted herewith.

B. _____ That the Court grant such relief as may be appropriate,
including injunctive orders, damages and costs.


SIGNATURE OF PLAINTIFF

EEOC Form 161 (rev 2/17/08)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Dawn Lewis
5249 Homestead Avenue
Pennsauken, NJ 08109

From: Equal Employment Opportunity Commission
Philadelphia District Office
801 Market Street, Suite 1300
Philadelphia, PA 19107 3127

On behalf of person(s) aggrieved whose identity
is CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.
530-2011-00260

EEOC Representative
Legal Unit

Telephone No.
(215) 440-2828

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- ☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- ☐ Your allegations did not involve a disability that is covered by the Americans with Disabilities Act.
- ☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- ☐ Your charge was not timely filed with EEOC. In other words, you waited too long after the date(s) of the alleged discrimination to file your charge.
- ☒ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- ☐ Other (briefly state) _____

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

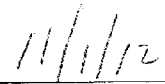
Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS** from your receipt of this Notice; otherwise, your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



Spencer H. Lewis, Jr., District Director



(Date Mailed)

Enclosure(s)

Information Sheet

cc: WILLS EYE SURGERY CENTER

Howard A Rosenthal, Esquire WILLS EYE HOSPITAL (for Respondent)

Enclosure with EEOC
Form 7-11/09)

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10 -- not 12/1/10** -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.